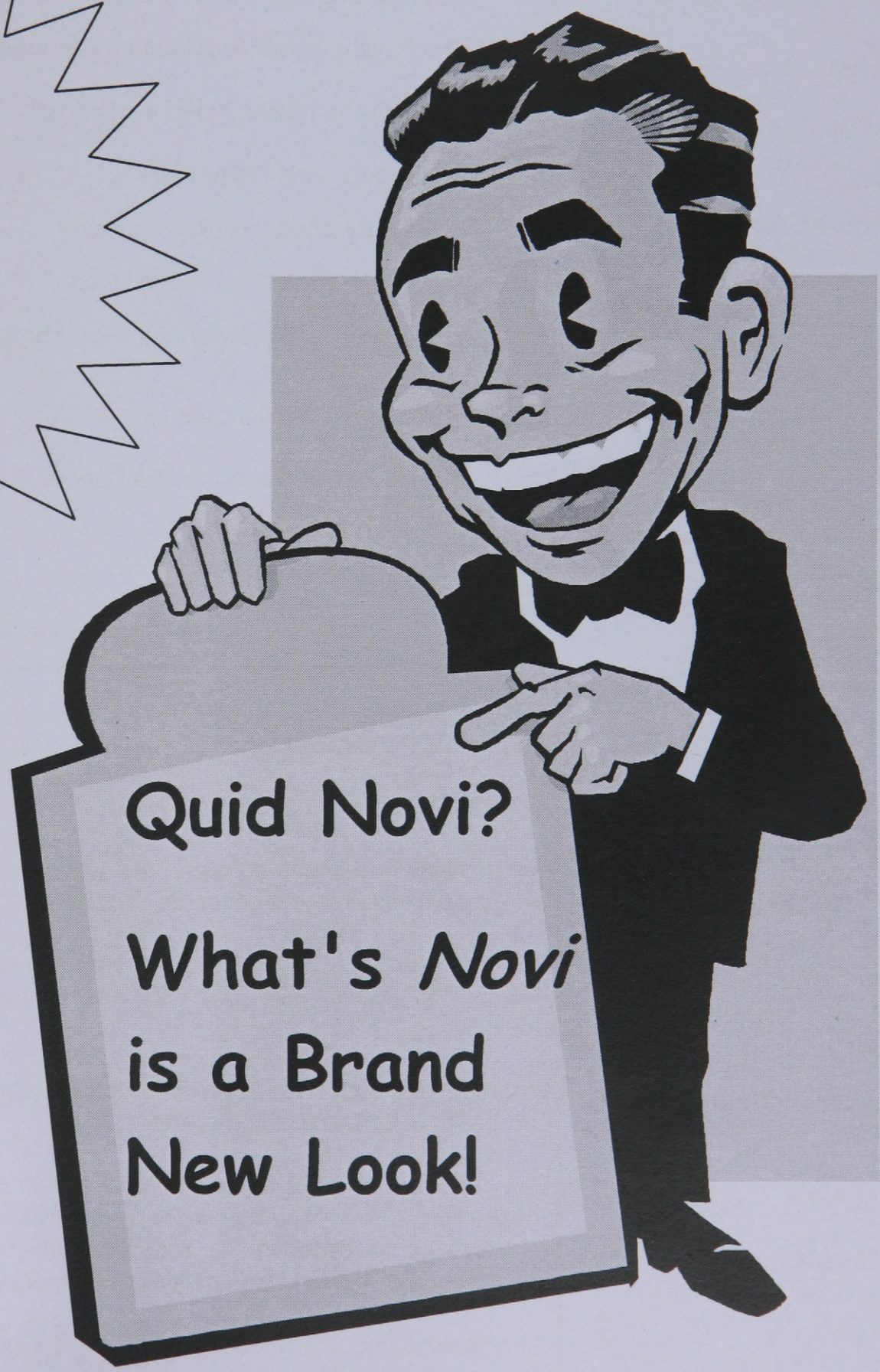
QUID NOVI

McGill University, Faculty of Law
Volume 26, no. 10, 15 November 2005

Part I

of a Two-Part Mental Well-Being Issue Series!



QUID NOVI

3661 Peel Street
Montréal, Québec
H2A 1X1
(514) 398-4430
quid.law@mcgill.ca
www.law.mcgill.ca/quid

Editors-in-Chief
Jason MacLean
Lindsey Miller

Assistant Editors-in-Chief
Cassandra Brown
Andrea Gorys

Managing Editors
Jennifer Hansen

Layout Editors
Tara DiBenedetto
Simon Grant
Maegan Hough
Lisa Schneiderman
Enda Wong

Associate Editors
Caroline Briand
Stephanie Dickson
Adèle D'Silva
Stephanie Jones
Julien Morissette
Sam Carsley
Oana Dolea
Elizabeth LaBrie
Cedric Soule

Web Editor
Julian Awwad

Cover Artist
Caroline Briand

Staff Writers & Regular Contributors
Nicholas Dodd
Olivier Plessis
Michael Hazan

Staff Cartoonist
Laurence Bich-Carrière

IN THIS ISSUE...

The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University. Production is made possible through the direct support of students.

Les opinions exprimées sont propres aux auteurs et ne reflètent pas nécessairement celles de l'équipe du *Quid Novi*.

The content of this publication does not necessarily reflect the views of the McGill Law Students' Association or of McGill University.

Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse: http://www.law.mcgill.ca/quid/edpolicy.html.

Contributions should preferably be submitted as a .doc attachment, or, for images, .pdf or .jpg.

EDITORIAL

This is the first of two issues on well-being at the Faculty, and the topic got me thinking about various elements of well-being as a law student. There's the big institutional issues - legal pedagogy and paradigms are enormous beasts to take on - but there's also the small things. Really small things - like the distance from the chairs to the desks in the classrooms and lecture halls.

No snickering, please. At the risk of sounding like an ergonomics extremist, is it just me, or does everyone else who uses a laptop or PDA in class find that the chair and desk heights are never at the right level for typing? Moreover, you can't control how far away the chairs are from the desk in the first floor lecture halls, exacerbating the problem. On top of all this, the bolted down chairs force people to squeeze their way through the rows, bringing backpacks and coats perilously near expensive screens.

I visited Harvard law school last summer on a trip to Boston, and discovered that their lecture halls have adjustable desk chairs at every desk - tilt backs, adjustable height, lumbar support... While we may not have Harvard's funding, for the physical well-being of students who spend up to eight hours a day sitting and typing away at these desks, adjustable chairs would be a godsend. Imagine - not having sore wrists or tight neck muscles because your hands are actually at the proper angle for typing!

I can but dream...

-L.M.

NEW LOOK, NEW ANONYMITY POLICY AND A MENTAL WELL-BEING SERIES

by Lindsey Miller (Co-Editor-in-Chief)

Even if the big announcement on the cover didn't tip you off, you may have noticed that the Quid has a new look this week. A group of Quid editors (Maegan Hough, Lisa Schneiderman and Tara DiBenedetto) have been hard at work to overhaul the fine Faculty weekly that you have all come to know and love. We think the new look will make the Quid more reader-friendly, and we invite your comments on what you do and don't like about the change.

In this case, the changes are more than skin deep. After much discussion, the Quid staff have voted to change the anonymity policy at the Quid, in the interest of warming up the 'chilling effect' that our prior policy of not printing without an identified author may have had. The new policy is as follows:

"Anonymous articles may be published in the Quid, at the discretion of the Editor(s)-in-Chief. Criteria which will be considered when determining whether to publish an anonymous article include whether or not:
-The article contains information of interest to the Faculty;
-There is potential for harm to the author if the article is not published anonymously; and
-Anonymous publication of the article will not cause harm to anyone else.
In every case, the author(s) of an anonymous article must disclose their name and contact information to the Editor(s)-in-Chief."

This new policy is intended to ensure that people are not held back from contributing to the Quid if they are writing in good faith, but want to keep their identities confidential in case they may suffer embarassment, stigma or reprisals from the publication. We emphasize that articles whose main purpose is to personally attack others and hide from accountability through anonymity will not be published anonymously, and, if it violates our editorial policy (see www.law.mcgill.ca/quid/edpolicy.htm), will not be printed at all.

Finally, we're pleased to announce a special two-issue series on mental health and well-being, in response to a request from a group of staff and students (see the following article for details). We want to know what you think about well-being at the Faculty. Is there a problem? If so, what is it and what can be done about it? Any and all submissions are welcome: personal accounts, opinion pieces, responses to the Kreiger summary published in this issue, poems, stories, pictures, complaints, rages...We hope that the new anonymity policy will encourage those with personal stories or experiences to speak up by giving them a safe environment in which to do so.

Enjoy the new Quid, and we hope to hear from you soon. ■

START THINKING ABOUT WELL-BEING

On Thursday November 3rd, 2005 a group of students and faculty members met to discuss the issue of "well-being at the Faculty of Law". The meeting was called by a group of concerned students.

The group's first concern is to involve students and faculty in the discussion. We want your response and we want a broader sense of student views on this topic. Next week's QUID NOVI will be a special issue dedicated to addressing the question: Do you have concerns about well-being in the study and practice of law and if so, what are they? We invite everyone to submit their thoughts on this topic to next week's QUID NOVI: write an article, a poem, a story, two sentences, draw a picture, compose a song, submit anything you like, and tell us what you think. Your contributions can address any point related to well-being such as:

1. Stress and anxiety.

2. Work-life balance.

3. What are the resources available to law students?

4. What have you have done that you've found effective as a stress management technique?

5. Whether you have heard of efforts to "humanize law school" and what "humanizing law school" might mean to you?

On pages 21-23 is an article that we thought was a good launching point for further discussion. It was written by Lawrence Krieger, a law professor from Florida State University and was published in the Journal of Legal Education, Volume 52, Numbers 1 and 2 (March/June 2002). We see this article as a place from which we might engage with the topics of well-being in law and humanizing law more fully, which we recognize raises an array of complex and subtle issues. Envoyez vos commentaires ou articles avant jeudi 17 novembre (17h) à l'adresse: quid.law@mcgill.ca ■

Love it
or Hate it?

Let us know what you think of the New Quid Novi!

quid.law@mail.mcgill.ca

UNTITLED

by Renée Darisse (Law IV)

I was starting to get a little worried, since we were already the first week of November and the Quid had been sadly lacking in controversy. Then I read the November 8 Quid. Besides the brilliant article on Tristan Musgrave, I was pleased that there were finally some feisty, sassy articles. The written equivalent of grade school children chanting "Fight! Fight!" jumps to my immature little mind.

Ahhhh, the Quid. For those of you who only know it in its present form, here's a little history. When I first arrived, the Quid was something I awaited eagerly each week. Articles advertising or recapping faculty events snuggled cozily with articles containing random (fictitious) gossip. Satirical Onion-esque pieces announced their presence with authority! Opening up the Quid was like meeting a sarcastic, bitter friend for coffee: you never knew what would get said and hilarity was sure to ensue! In fact, one of my favourite pastimes in first year was struggling not to giggle aloud during constitutional law, while subtly balancing the Quid on my lap. There were plenty of rants, some rife with personal attacks, some not. And apparently in my first year the Quid was merely a shadow of its former self.

After reading the Quid regularly for the past two years, I have but one question: Quid, what has become of you? I can hardly look at you anymore, let alone understand you. I thought we had a connection.

I guess it's goodbye giggles. Hello Kant.

My year has only itself to blame for this state of affairs. To us from graduating hands they threw the torch that is the Quid, and we just drowned the poor bastard in a sea of discourse on the theory of theory. Or so it seems.

I also blame myself for not writing more. Although, on the bright side, you were all spared my lunatic ravings, as entertaining as they might have been. I realize now, however, that I should have thrown caution to the wind and written more of my ramblings. My reputation was already solidified amongst those who knew me and loved me. Or loathed me.

So why do I perceive this change in the Quid's tone? Is it because our creative types are all gone? Doubtful.

Is it because the Quid is published online and we're afraid of what prospective employers will think of us if we are associated with rants and expletives? Getting warmer. Are we afraid of what the Quid will say about our Faculty to outsiders, if it is not filled exclusively with thoughtful, well-reasoned arguments on pressing legal and political issues of our time?

First, I direct you to the DISCLAIMER, printed on the inside cover of the Quid: "*The content of this publication does not necessarily reflect the views of the McGill Law Student's Association or of McGill University.*" There we go. All better? No?

Fine. I understand that we're all worried about what happens when we graduate and the importance of our reputation (insert comforting stroking of back and soothing voice here). But, isn't there already an abundance of ways to show how educated, aware and brilliant we are?

Some would say that the Quid is much improved since articles about the hairiness or promiscuity of our classmates no longer embarrass us. But does the Quid need to be yet another forum in which to demonstrate the high academic standards to which we are all held, and to which we hold ourselves?

Do we have to be so intellectual all the time? Don't we already know our worth? Law firms seek us out and give us free sushi and booze to convince us to apply for jobs. I don't know about you, but I've never overheard a lawyer at coffee house mention the quality of writing in the Quid to justify the presence of a tuxedo-clad jazz trio.

I'm not in favour of eliminating good writing on intelligent and challenging topics. Write more of them! I applaud people for writing this stuff. But maybe other people want to submit some other kinds of writing and are stymied by perceived editorial standards.

How about an unintelligent piece about why you can't stand people who do something you dislike? Why not write a case comment about your last break up? Facts: you're a total idiot. Issue: your predilection for cheating on me with blond-wigged transvestites. Held: you are SO dumped! Reasoning: there is a three-part test for whether your behaviour is justified in a free and democratic relationship. You meet none of the branches of this test. Ratio: Don't get caught cheating.

No amount of brilliant discourse will significantly improve the reputation of the law faculty. No quantity of baseless rants inserted among these types of articles will significantly damage our reputation. Our reputation is hopefully built on other things besides a free, student run, weekly publication. Pardon my ignorance, but if the law faculty's reputation is this fragile, then we have much bigger things to worry about. Speaking of student publications that could potentially harm an institution's reputation, have you read the McGill Daily? Did you notice the full page "spread" last year on the ever-so-intellectual subject of oral sex?

Now, despite what you may be thinking, I've actually enjoyed reading the Quid so far this year, in my valiant yet vain attempts to comprehend every article in it. Clearly, we have some very intelligent and well-read people at the faculty. I am immensely proud, and somewhat amused, that, come June 2006, I'll be getting the same two law degrees as people who use the word "micturating," whereas I usually just use the word "peeing." But, even without the Quid, I already know that I go to school with people who are smarter than I am, or at least who have better vocabularies than I do. I have attended three and a half years of lectures with them.

The Quid is supposed to keep me from dying of boredom or frustration. It is not supposed to serve as the razor blade with which to finish the job. ▸

Or make my brain hurt without at least one or two fluffier pieces to ease my effort.

Allow me to divulge one of the faculty's little secrets. Correction, allow me to state the obvious: the Quid is not the New Yorker. I don't blame the editors for trying, but not every article needs to strive to meet these exacting literary standards. I think this article proves that fact nicely. Indeed, the only thing about my article that even remotely resembles the New Yorker is perhaps its length. But you already knew that, having made it this far, loyal reader.

I suggest to you that there is room for creativity, humour and baseless rants alongside insightful, intelligent pieces. Isn't this the very point of this diversity that we all aspire to? I respect the fact that some of us are ladies, but I'm not, and I hereby declare that the Quid is indeed the perfect place for a light sprinkling of expletives. Where else are you going to swear? Your factum? And swear words need not be absolutely necessary. Who says that foul-mouthed yet humorous social and political commentary can't be intelligent? Certainly not Margaret Cho, Chris Rock, Ritchie Prior, Eddie Murphy, Robin Williams, the Trailer Park Boys or Jon Stewart, to name a few of its proponents.

Speaking of industry standards, I was reading Vanity Fair this weekend. I counted one instance of the word "fucked" and at least one instance of the word "fuck." And this was the edition that contained articles about Kate Moss, Woody Allen and the Bush administration! If ever there was an appropriate time to use the word "fucked" liberally, this was it. The point being, of course, that Vanity Fair, like any other revenue-generating publication, is accountable to its (hypocritical)* advertisers, yet still its editors allowed these words to be published. I think we might embrace the same degree of latitude in our humble little publication.

So, the next time you're debating submitting to the Quid, wondering if your shallow and unsubstantial article will affect your reputation and cost you the fame and fortune that is your destiny, consider this: your reputation and chances of success are built on plenty of other things besides what you or anyone else writes in the Quid. I would hope that the last 20-odd years of being a good, kind person and/or occasionally proving yourself in school or work endeavours will counterbalance what you write in the Quid concerning your hatred of foundations class. You still need proof that ranting won't necessarily cost you your future?

Exhibit A: I did Montreal recruitment in my third year. During all the interviews I went through, the one thing that never came up was the satirical article I wrote in the Quid in second year, wherein I sarcastically suggested that people who talk incessantly in class should be pushed off the roof of the library.

Exhibit B: Every year, law students write about their experiences at Law Games in the Quid to drum up business for law games. Their stories are full of explicit references to promiscuity (real or imagined), alcoholism and illegal drug use. I know for a fact that someone out there, despite, or maybe because of, these revelations, has since hired several of these writers.

I had no idea what to call this little rant, hence the non-title. I'm confident, however, that by this time next week I'll have received a few suggestions.

** Here's an example, for inspiration, of a baseless rant on this subject that you may have heretofore been hesitant to include in the Quid: Commence rant: These are the same advertisers who 1) unabashedly use fourteen year old emaciated models to advertise clothes and 2) who just cancelled Kate Moss' spokesmodel contracts because she was caught on film doing cocaine and the pictures of said cocaine-fest were subsequently published in a newspaper. Big fashion houses et al. didn't want their images tarnished so they aren't renewing her contracts. Excuse me, but isn't cocaine only affordable to rich people anyways? Isn't this behaviour perfectly in line with the image of spoiled, wealthy spendocrats? Was it really that big a secret that some models sometimes engage in substance use and abuse? Isn't the fashion industry partly responsible for the pressure that leads to this lifestyle? I'm sorry, Fashion House X and Fashion House Y, but it's hard to climb up onto your high horse when you're standing knee deep in shit.*

End rant. ■

MOLE

Chers collègues,

It's time to share your thoughts on courses taught at the Faculty. This is your chance to provide anonymous feedback and voice your praises, satisfaction, or concerns.

Nous participerons, comme l'année dernière, au projet d'évaluation des cours en ligne par le biais du programme MOLE. L'accès à ce programme se fait à partir de Minerva auquel les étudiants auront accès durant la période d'évaluation qui débute le 17 novembre.

Low student participation in course evaluations significantly discounts the value attributed to course evaluations within the Faculty. Please take the time to fill out your online course evaluations.

Thank you for your cooperation!

LSA/AED VP Academic

For more information about the MOLE project, please visit http://www.mcgill.ca/dp-cio/mole/ .

MEMBERSHIP OF FIRST-YEAR STUDENTS ON FACULTY COUNCIL

by Pierre Gemson and Jake Wilson (Faculty Councilors, Law I), and Neil Modi (Law II)

Editor's Note: This article was reprinted from last week on request.

Faculty council is the main governing body of the Faculty of Law. Professors sit on faculty council, as well as certain student representatives. The Faculty Regulations state that students must have completed at least one year of studies at the Faculty before being able to sit as a Member at Large of Faculty Council. The LSA Constitution, which governs student elections, reserves at least one seat on Faculty Council for a first-year student. In past years, the clause in the Faculty Regulations has gone unnoticed. For many years, first-years have served on Faculty Council and since 2002, anywhere from two to three seats have been occupied by first-year students each year. In keeping with this practice and the LSA Constitution, two first-year students were elected to Faculty Council in recent elections. This year, the total number of seats for Student Members at Large has risen from four seats in previous years to six seats this year.

The LSA Executive, with the support of LSA Council and members of the faculty, is seeking an amendment to the Faculty Regulations to remove the condition that excludes first-year students from full membership in Faculty Council. Having informally consulted various faculty members on the issue, the LSA anticipates that the amendment to the Faculty Regulations will be accepted as a way to formalize previous practice established over several years.

First-year students are involved in all aspects of Faculty life and in LSA activities. Many first-year students have completed at least an undergraduate degree before commencing law school at McGill. Experience has shown that despite being in first year, students are quick learners, motivated, resourceful and efficient at adapting. In past years, these students have applied these abilities to their work on Faculty Council Committees and Projects. They have made positive contributions to the Faculty, the LSA and to student life and learning in general, all the while successfully handling the rigors of their academic studies.

Enabling first-year students to sit on Faculty Council ensures a greater possibility of establishing institutional continuity between academic years when these first year students decide to continue to participate on Faculty Council or as LSA Executives in subsequent years. For example Neil Modi, having served as a Faculty Councilor last year, continues to build on the work he did last year as this year's LSA VP Academic.

Increased apathy from upper-year students opens opportunities for first year students to get involved from the beginning of their studies. The enthusiasm with which first-years campaign and participate in elections demonstrates their level of motivation and concern for the future of the Faculty. This year's LSA Executive is composed of eight VPs, each of whom were elected or acclaimed when they were first-year students. When asking upper-year students to take a more active role, the usual replies are "sorry, I'm busy with recruitment", "I'll think about it" or "sorry, gotta finish in two and a half years – no time for getting involved..." Of course, this is not to say that upper-year students don't participate – they do. In reality, many upper-year students have participated early in their time at the Faculty, and now it is their time to think about employment (money pays the bills) and other concerns. In any case, while upper-years are oriented toward developing their careers, experience shows that first-years have their minds set on student participation. Is it not the policy of the Faculty to encourage such participation?

It can be argued that first-years have somewhat less knowledge of the operations of the Faculty. However, relatively new professors also sit on Faculty Council. First-year students are just as capable as upper-year students of assessing the priorities of students and faculty. LSA Council meetings, Quid articles, student comments, and other sources are indispensable tools in assessing such priorities. Indeed, the LSA is moving towards an online voting and survey system which will give first-year faculty councilors an even better sense of which issues matter to students. We had three first-year students on Faculty Council last year (on Exams and Curriculum Committee). Those that worked with them will be able to recall that those students were able to gauge the concerns of the student body without difficulty.

First-years do have certain special interests that differ from those of upper-year students and it is important that these first-year interests have a voice and vote at Faculty Council. This voice and vote must be equal to that of student members from upper-years. Technically all Faculty Councilors are "members" and not "representatives", but in practice, a certain amount of "representation" is inseparable from the job. First-year members are elected by a majority of first-year students at large, who are the future of this Faculty, year after year. Our future should have a voice and a vote.

In the interim, Faculty council has graciously granted speaking rights to our first-year members. At the next meeting in closed-session, a motion will be brought to amend the Faculty Regulations in order to allow first-year students to formally sit on Faculty Council as full members. In light of the above arguments and the practice established over previous years, we hope that Faculty Council will vote to extend full membership to first-year Faculty Councilors. The LSA Executive, LSA Council, and the first-year Faculty Councilors sincerely hope for the support of Faculty Council on this matter. ■

Hon. Bob Rae

PERSONAL REFLECTIONS ON IRAQ'S CONSTITUTION

Tuesday, **4pm / 16h**
November 22nd, 2005

Room: **Moot Court**

Faculty of Law
McGill University
3644 Peel St.,
Montreal

The former Premier of Ontario reflects on his experience as an adviser to the drafting committee of the Iraqi Constitution.

L'ancien premier ministre de l'Ontario, Bob Rae, partagera ses impressions quant à son expérience en tant que conseiller auprès du Comité de rédaction de la Constitution Irakienne.

Presented by

McGill Law Student Association

Association des étudiants de droit de McGill

McGill University, Faculty of Law

Université McGill, Faculté de Droit

McGill Institute for the Study of Canada
L'Institut d'études canadiennes de McGill

THE REASONABLE MAN WOULD NEVER PERSONALLY ATTACK IN THE QUID

(or, Why It's Evident Law School Doesn't Listen To KMFDM)

by David Perri (Law IV)

I'll admit that as I write this, I'm in a mild state of shock (key word: mild). I didn't think my reply to Amanda Glover's reasonable man character sketch would have engendered heated discussion. In fact, I thought my piece would eventually simply be buried in stacks of Quid back issues, only ever to be read by some over-eager law student a decade from now. I guess I was wrong.

There are a few things I'd like to say in my defense, and this item will therefore act as an all-purpose rejoinder to Amanda Glover's "In Response to Unreasonable Criticism Of The Reasonable Man" and Jennifer Hansen's "Let's Lay Off The Personal Attacks".

Firstly, I'd like to speak directly to Ms. Hansen. To be plain, I didn't know Ms. Glover's original reasonable man description was satire. I wasn't aware of this first year inside joke, mainly because I'm not in any Torts class. Yes, I too had Professor Khoury for Extra-Contractual Liability, but that was back in 2002-2003, the year I was wholly obsessed with Minor Threat, Husker Du and wondering why everyone on the goddamn planet thinks Fugazi is cool (note to law students and/or Professor Lametti: if you know why Fugazi has amassed such an impressive legacy, please let me know because it's completely beyond me). So, like, maybe the Quid could have indicated that Ms. Glover's "The Reasonable Man" was to be taken humorously. Ergo, go ahead and read "The Reasonable Man" not discerning the fact Ms. Glover was just kidding – it sounds pretty elitist, doesn't it?

Secondly, Ms. Hansen has accused me of personally attacking Ms. Glover in this fine publication. Further, she's stated that articles like mine act as a disincentive for others to write in to the Quid because they'll fear reprisal. I'm actually kind of hurt by that remark, because I'm all about discussion and debate (more on that in a second) and would like better than anything else to see dialogue in the Quid. In a way, I wish Ms. Hansen had been here when the great Marc-Andre Séguin Quid battles were waged. For those not familiar, several years ago Mr. Séguin expressed his strong views on Quebec sovereignty and, consequently, sparked the furor of the federalist faction at McGill Law. At the time, I was one of the Canadian warriors who responded to Mr. Séguin, and on more than one occasion I directly addressed his pro-Quebec independence stance head on. Back in those days, Mr. Séguin probably hated me. As for myself, I never disliked him personally but loathed his political/nationalist ideas. Fate has a funny way of playing you, however, and check out how the odyssey ended: Mr. Séguin and I ended up on the same hockey team this semester. The René Levesque disciple (Mr. Séguin) and the Pierre Trudeau devotee (me) finally had a common goal, namely trying to win hockey games with our team the Sharks. The poetic irony of this situation is not lost on me.

So, special-anecdote-as-refutation aside, in going back and reading my counter to Ms. Glover's commentary, I can't find one single personal attack against her. Yes, I debated her ideas, but I never wrote anything about her personally. I challenge you to find where I mentioned she was of inferior stock, or where I criticized her moral standing as an individual (I didn't even disparage the music she listens to!). Therefore, Ms. Hansen's accusation that I leveled a poisonous attack on Ms. Glover is simply not true. Instead, I took on the point Ms. Glover was making, and that's exactly what the Quid is about.

The Quid is the forum where we all get together and try to think collectively about the issues surrounding us. Sometimes, if this whole Quid thing actually works properly, people disagree and a discourse (not meant in the Foucault-ian sense) is created. Why isn't that a positive? Why should discussion be stifled? Are we just supposed to glad-hand and golf-clap each other because someone wrote in to the Quid? And if my response to Ms. Glover was so slanderous, why was it printed in the first place?

I guess what law school really needs is a sense of perspective, and it should kindly be provided courtesy of KMFDM. This German industrial collective raised the bar for social consciousness during the '90s, oftentimes colouring its manic attack with socio-political themes and protest-art album covers. The band's catalogue is really strong, especially if you're into Nine Inch Nails, Ministry, Atari Teenage Riot or latter-day Mortiis. However, it's KMFDM's 2002 effort, *Attak*, which I was reminded of while reading the reaction to my article. *Attak* was a scathing critique of the state of the world's affairs, usually relying on hyperbolic sloganeering to deliver its anti-cultural imperialism message. Ms. Hansen saying I personally attacked a fellow law student in the Quid is like inferring I re-wrote *Attak* and titled it "Why The Reasonable Man Probably Knows About Avenged Sevenfold." That didn't happen.

Instead, I view my exchange with Ms. Glover in terms of Joy Division and The Cure. Those two bands may have been around during the same era (and, conversely, wrote similar-styled depression-addled existentialism à la Joy Division's "New Dawn Fades" or The Cure's "10:15 On A Saturday Night") and had a bit of a creative rivalry, but Ian Curtis (RIP) and Robert Smith never fought. They never got at each other's throats and neither ever resorted to battle-rapping it out like 50 Cent and Ja Rule did 20 years later. ▸

Instead, Joy Division and The Cure inspired a healthy musical exchange that resulted in some classic material.

Had my intention in my analysis been to personally deride Ms. Glover, I think KMFDM would have been involved somewhere at the time of writing. In fact, since I'm not really a subtle person my piece's headline probably would have been "Why the Reasonable Man Thinks KMFDM is So Much Better the Reasonable Man Article." ■

THE SUNSHINE ARTICLE

by Alison Glaser (Law I)

Human contact is really important. Psychologists found this out the hard way by studying the children that had been brought up in very strict orphanages that had "no touching" policies. A large majority of those children ended up with developmental problems, including mental retardation. More recently, "cuddle parties" have become popular in big cities like New York and London. This involves a bunch of strangers getting together and engaging in non sexual touching, "cuddling" if you will. This has grown out of the fact that people in these big cities go through life without any intimacy. Now, I'm not necessarily advocating this "activity", but the principle behind it is worth highlighting. We are social beings and we need physical contact. According to my Social Psychology professors (back in my former non-law life), social support and interaction protect people from psychological issues and even health problems. On the other hand, stress is a HUGE contributor to these problems (believe me, the irony was not lost on us that what we were studying in one class was that studying makes people sick!). So, my handy advice for the day is: get a massage!!!

As your self-designated happy person, I took it upon myself to research how to give a massage (a terribly hard job, I know, but someone's got to do it). The best website I found is this: http://www.soyouwanna.com/site/syws/massage/massage.html. It gives you step by step instructions on how to give a good massage (including how to set the mood). Here is an excerpt:

1. Kneel beside or astride your "massagee", who should be lying on his or her front in a comfortable position.

2. Place the palms of your hands flat on either side of the spine just above the hips.

3. Applying light pressure on both sides of the spine (NEVER put pressure directly on the spine), slide your hands slowly forward until they reach the shoulder blades.

4. Next, move your hands in a curve that takes them over the shoulder blades to the shoulders and then back along the sides of the rib cage to their starting positions.

5. Repeat this several times, applying slightly more pressure as you continue.

6. Your fingers should always be facing more or less in the same direction (that is, in the direction of the back of your massagee's head).

7. Apply pressure with your whole hand, with the bulk of the pressure coming from the heel of the hand on the way forward and from the fingers on the way back.

8. Try to make the motion a smooth curve with each hand tracing a tear drop shape on its side of the back (with the fat part at the top of the motion).

So, now all you have to do to ward off some pre-exam stress is to find someone who is willing to be your massage slave – or I suppose you can always offer to massage them back...

To finish off, a funny fact: In Michigan, it is illegal to chain an alligator to a fire hydrant. Obviously this must be because of its tortious nature.... ■

THE BENEFITS AND COST OF ECONOMIC INTEGRATION

by Olivier Rukundo (Law II)

Concentrated economic ownership is one of the most salient features of today's competitive business environment. This trend is largely driven by market forces which induce businesses to seek more closely integrated partnerships as a means of realizing economies of scale in their operations. Economic integration is, in this regard, supposed to lead to convergence towards a common organizational configuration for the attainment of best management practices. We must, however go beyond this and understand this process as one that has profound effects on the overall structure of our economy in that it brings along patterns of incentives that affect the general state of societal welfare. One such effect is, as aptly articulated by Jamie Brownlee, that "because corporate ownership is generally confined to a small and increasingly entangled circle, the dense web of interconnections among dominant firms makes it easier for owners and managers to perceive and articulate their best interests."* Can the same be said of employees at lower echelons of corporate structures? Has economic integration created employment frameworks upon which employees can perceive and voice their interests in a more cohesive manner?

A caveat is in order before we begin to engage with these questions. The effects of economic integration on collective bargaining systems differ across sectors and are contingent on the particular characteristics of the industry in question. Nonetheless, suffice it to say that while economic integration continues to yield great benefits for some, a large number of people still remain excluded from the gains to be had from these so called 'better integrated corporate structures.' The expansion and unrelenting growth of Wal-Mart is a good case in point. Wal-Mart's success is largely attributable to their operating formula of low prices and low wages, a panacea that has allowed Wal-Mart to thrive and achieve outstanding results in terms of efficiency gains and competitiveness. Staunch free-market economists argue that the lower costs of goods sold by Wal-Mart restores purchasing power and frees up capital for investment in new, growing parts of the economy where jobs can be created. Others, like Hausman, disagree, and observe that "Wal-Mart is cutting wages, which is bad [for the economy], and is also more efficient, which is good — the question is, how much of each one?"**

These issues were no where more present than in recent decision by the Quebec Labour Board which ruled in favor of Wal-Mart employees who had brought an action against Wal-Mart for its decision to unilaterally close its operations in Jonquière,Québec. The employees alleged that the closure was a disguised form of intimidation to thwart the union drive at the store. The store was opened by Wal-Mart in October 2001 and it became, as of last year, the Wal-Mart's first North American outlet to be organized by the United Food Commercial Workers. Wal-Mart argued in its defense that its decision to close the store was merely due to the fact that store was unprofitable and that the closure did not have anything to do with the union. However, since announcing its closure the retailer had not taken any measures to terminate its lease which was set to run until 2021 and no effort was made by the management to sublet the building in which the store had been located in. The Québec Labour Board came to the conclusion that these were clear indications that the operator was keeping its door open to resume operations. The board concluded that Wal- Mart did not provide convincing arguments that the closing of the store was definitive and that the decision came about due to financial difficulties. This decision is even more so interesting if placed into a larger context. Wal-Mart operates over 3,600 stores and opens as many as 60 new stores every month in the United States alone and the retailer is known to rarely close its stores. In fact, during the past two fiscal years Wal-Mart has closed only one of its stores without opening an even larger outlet in its place.***

If we then take the view that market forces alone can not give effect to proper redistributive schemes, what should be the role of the legislatures and courts in devising mechanisms to ensure fairer resource allocation? An economic rationale for government intervention in the private market arises whenever there are uncorrected market imperfections or distortions. An appropriate government policy should thus be one that acts in the view of reducing the detrimental effects of market imperfections and distortions for the purpose of raising economic efficiency and improving national welfare.

The difficulty rests in devising policies that sustain economic efficiency while raising national welfare levels so as to recoup for the loss in welfare that arises from the presence of the market distortion in the first place. This simple picture does not take into account the fact that government policies are permeated by a manifestation of competing interests that must be balanced against each other . As Brownlee notes "Corporate ties to political parties are well documented. The majority of federal parties in Canada – with the exception of the new New Democratic Party – have long been partly financed by big business and contained representatives from elite business ranks." Measuring the effects of economic integration on societal welfare remains a complicated endeavor due to the intricate and complex factors that have to be accounted for in regulating this process.

* Jamie Brownlee, *Ruling Canada: Corporate cohesion and Democracy*, (Halifax: Fernwood, 2005.

** Jerry Hausman, "Consumer Benefits from Increased Competition in Shopping Outlets: Measuring the Effect of Wal-Mart", online: MIT Department of Economics< http://econ-www.mit.edu/faculty/index.htm?prof_id=hausman&type=paper>

*** *Ibid.*

The foregoing article reflects a discussion which took place in my Law and Poverty Class ■

THE PSYCHOLOGICAL PROFILE OF LAW STUDENTS

by Daniele L. Ambrosini (Law III)

"Ensuring the mental wellness of the bright, ambitious men and women who populate our law schools is not only an important goal in it's own right, it is essential to ensuring the proper functioning of our legal systems" (Murdoch, 2004)

Introduction

Law school is a heyday for social psychologists, psychoanalysts and others interested in understanding interpersonal and social behavior. The expectations, worries, realizations, and stresses, both perceived and actual, of law school is not an easy experience for many students. I wish to explore how a law student's psychological universe can be positively or negatively transformed and how epistemological perceptions are shaped by this experience we probably will never forget "law school".

Adjustment Disorder

Any novel life experience involves some form of adjustment. Unfortunately, some law students do experience mixed anxiety and depressed mood in adjusting to law school, but this is not insurmountable. The DSM-IV criteria for "adjustment disorder" include the development of emotional or behavioral symptoms in response to an identifiable stressor within 3 months of the onset of the stressor and the resolution of symptoms within 6 months of the removal of the stressor. Adjustment to law school does not become pathological for most, but rather a rich and vibrant learning experience. Nevertheless, many law schools have taken notice that rates of depression and anxiety among law students may be higher than the general population and have incorporated mental health and wellness programs.

Law students are bred in an environment that does more than simply demand the mastery of substantive law; they are called upon to use their emotional intelligence to interact and negotiate with other students and faculty. First-year law students enter law school with an incredibly eclectic and varied set of learning experiences and prior knowledge. Pulling all these individuals together into a small Faculty like ours is bound to produce an interesting cocktail effect. The cognitive processes are neuro-anatomically reformatted through the process of legal education, although not always congruently with student's novel emotional experiences, resulting in an asynchronous dissonance between emotion and cognition. Psychologically, some students are externally motivated by grades, academic success, and securing a job, while others are intrinsically motivated to obtain learning objectives and mastering learning tasks. Both have their place.

While law, medical and post-graduate students all undergo stress, some empirical studies suggest that law students experience higher levels of depression and anxiety than their professional counterparts. In one study, after each of the above-mentioned groups were given a psychological profile test (Derogatis Stress Profile), not surprisingly, it was found that law students scored high on several of the following factors: time pressure, driven behavior, attitude posture, relaxation potential, role definition, vocational environment, domestic environment, health environment, hostility, anxiety and depression.

Alcohol and substance abuse may be a contributing factor to dissatisfaction of some law students, as research indicates alcohol use is a significant problem in law school. The DSM-IV criteria for substance use includes, among other criteria, a recurrent use that leads to maladaptive consequences, such as being unable to fulfill major role obligations. This may explain why most law students are generally not hard drug abusers, but can still operate as functional alcoholics.

Studies on rates of depression and anxiety have been conducted at the McGill Faculty of Law. In a study of law student distress conducted at McGill to evaluate depression, anxiety, hostility, total stress and subjective stress in 365 students, the researchers found that law students score significantly higher rates of depression and anxiety compared to population means, and significantly lower rates of total stress.

Interpersonal social behavior

Law school can be a great place for social butterflies. For others, they only make it through the three years by developing their skills of "eye-gaze-avoidance". The social development of law students may have an indirect, if not direct, impact on mental health at law student. In first year, law students are encouraged to network with their colleagues and the process is structured to get to know as many of your classmates as possible. In second year, a fragmentation process occurs whereby cliques of students develop along factors such as language, general interests, clubs, job aspirations, religion, hobbies, intellectual prowess, emotional attunement, SES, etc. From these formative social pods, there is still periodic interaction and networking into pods of other groups, although the relationships are structured so that they are smaller in numbers, and it is easier to stay within one's pod. In third year, there is a further social fragmentation that develops, as students begin feeling further isolated and distracted by the realities of securing a job and balancing responsibilities outside the school setting. This analysis of social development within law school is only anecdotal, but I mention it to show that something, more than a cognitive transformation, is going on here...there is a subtle social transformation among law students.

From pathology to super-pathology

A culture of narcissism exists among lawyers, law students, and law professors in our society more than ever before. Note how one New York lawyer described it in the context of the American law profession,

"Narcissism breeds incivility and vice. Behavioral scientists derive this label from Greek mythology's young Narcissus gazing pleasurably at his ▸

own reflected self. A narcissistic person is essentially stunted in emotional growth: he wants it when he wants it and he wants it now. For short, he is a "nacre". Our society has more narces today than at any other time in our history. In the last decade narces have infused their narrow notions of preoccupations with self, eschewing concern for others and long-range vision. They substitute adrenaline for judgment."

When five of the following criteria are present, according to the DSM-IV, narcissism may be diagnosed:

1. *Grandiosity, self-importance* and *inflated judgments* of their own accomplishments with a general devaluation of others is common. Such individuals often suffer from narcissistic perfectionism, where they equate "knowing about moral values" with "being a good person", and anyone who does not live up to their standards of moral superiority are devalued.
2. The mind of a narcissist constantly ruminates about their *unlimited success* and they are preoccupied with fantasies of power and brilliance.
3. Narcissists generally believe they are *special and unique* and must associate with others of the same caliber that mirror them, and will often only associate with top individuals or be affiliated with the "top" institutions. Only by associating with others who are like-minded do they feel that they will be understood.
4. While a moderate level of self-esteem among all of us is normal, narcissists require *excessive admiration*, and as a result are always preoccupied about how others view them. They are gifted in soliciting compliments from others about themselves, and use sex as a means of gratifying their ego rather than pleasuring the opposite sex.
5. While it is normal to demand reasonable expectations from others, they possess a *distorted sense of entitlement*, whereby they feel that everyone else's work and interest are secondary to their own. It should be remembered that when discussing sense of entitlement, this will vary according to culture, as some societies place greater focus on personal entitlement over personal responsibility.
6. Their social skills are *interpersonally exploitative*, where they expect a great deal of dedication and commitment from others for their purposes and goals. These disruptions in interpersonal behavior are often rooted in developmental pathology and fostered by the fear of being publicly shamed. Their interpersonal difficulty with others a result of perceived attack on their self-esteem.
7. Everyone is entitled to have their feelings respected. Narcissists generally *lack empathy* and are unwilling to identify with the feelings and needs of others, viewing others with objectively legitimate needs as weak and vulnerable.
8. Narcissists are pathologically *envious* of successes and accomplishments of others or believe that everyone else is envious of them. The motivation in striving from one achievement to another is because they fear the narcissistic injury that may have occurred when their parents did not provide emotional acceptance, and so they have substituted achievement for self-acceptance of their real identity.
9. Along with *arrogant, haughty behaviors or attitudes*, narcissists are often snobbish, disdainful and patronizing of others.

I would argue that at times a pathological condition develops among some law students to manifest symptoms that very much resemble narcissistic personality disorder. These include increased levels of self-importance, heightened self-esteem, omniscience and grandiosity, and lack of empathy. In order to preserve one's self-esteem and ego, and to overcome unconscious internal struggles of self-deprecating attitudes and feelings such as "I am stupid, I can't speak", they resort to building defense mechanisms that protect their coherent sense of self above all else.

In prominent law schools, students deal with the Socratic Method, the ups and downs of grading and ranking, the impersonal nature of legal education by protecting their vulnerable self-esteem and avoiding narcissistic injuries by developing defensive coping styles. The obsessional student defines him/herself by grades and ranking, others become paranoid by thinking that everyone else is out to do them in, while yet others develop schizoid traits by detaching themselves from the whole law school experience in an attempt to avoid potential conflicts with others. These defense mechanisms are not adaptive but instead lead to depression and anxiety, or manifest themselves through other psychosomatic symptoms.

Apparently there is a student movement to increase Faculty awareness for the need to have mental health resources for law students. This is undoubtedly a good idea. Many law schools have employed some kind of mental health program that gives students a resource center to deal with the special and unique challenges endemic to the whole law school experience. In comparing law school mental health programs to those conducted by law firms, in an effort to assist lawyers to adapt to the pressures of stress, alcohol abuse, family problems etc..., it appears there is a general reluctance to use these resources, for the fear that colleagues will view this as a sign of weakness. Did I mention how difficult it is to find suitable treatment for those pesky Cluster-B personality disorders, such as narcissism? This is not to suggest that the idea is not a good one, but getting law students to use such resources presents a formidable challenge.

Good health! ■

For further reading:

Carney, Michael. 1991. Narcissistic Concerns in the Educational Experience of Law Students. The Journal of Psychiatry and Law 55, 9-34.

Harris, Cheryl Lorraine. 2004. Understanding the role of epistemological beliefs in post-graduate studies: Motivation and conceptions of learning in first-year law students. Dissertation Abstracts International Section A: Humanities and Social Sciences. 64 (12-A) 4356.

Helmers, K. F., Danoff, D., Steinert, Y., Leyton, M., & Young, S. N. 1997. Stress and depressed mood in medical students, law students, and graduate students at McGill University. Academic Medicine., 72(8), 708-714.

Murdoch, Lynda Louise. 2004. Psychological Distress and Substance Abuse in Law Students: The Role of Moral Orientation and Interpersonal Style. Dissertation Abstracts International: Section B: The Sciences and Engineering 64 (8-B) 4053.

McGill

Université de Montréal

CISDL

Centre for International Sustainable Development Law www.cisdl.org

On the occasion of the 2005 COP 11 / MOP 1 of the UNFCCC and Kyoto Protocol in Montreal …

The Centre for International Sustainable Development Law (CISDL) invites all interested scholars and professionals for:

"Strengthening Climate Cooperation, Compliance & Coherence"
An International Law Symposium on Sustainable Developments in Law and Policy on Climate Change

Hosted by the **CISDL** in collaboration with Faculty of Law, McGill University and the CERIUM from l'Université de Montréal

Friday, December 2nd and Saturday December 3rd, 2005

at McGill University Faculty of Law, Montreal, Canada.

This symposium is a unique opportunity for scholarly dialogue between academics, lawyers, scientists and policy-makers, to debate the most recent trends and practices in sustainable development law related to climate change, and for participants to build their knowledge and capacity in this important emerging area.

The focus of the event is threefold:
- Cooperation: Recent developments in law and policy to support Joint Implementation (JI) and the Clean Development Mechanism (CDM), and the potential for future implementation and advancement.
- Compliance: Recent developments in international law and policy to strengthen compliance with the UNFCCC and Kyoto Protocol, and future directions for facilitation and enforcement mechanisms.
- Coherence: Intersections between global and domestic climate regimes, and other international regimes (trade and investment, indigenous peoples & other human rights, biodiversity, desertification, law of the sea, etc.).

International advisors to the Symposium include Prof. James Cameron (Climate Change Capital), Dr. David Freestone (World Bank), Mr. Richard Ballhorn (Foreign Affairs Canada), Dr. Kemal Dervis (UNDP), Mr. David Runnalls (IISD), Prof. James Gustav Speth (Yale University), Sir Crispin Tickell (Green College, Oxford University), Prof. Gordon McBean (University of Western Ontario), Dr. Sheila Watt-Cloutier (Inuit Circumpolar Conference), Dr. Kamal Hossain (International Law Association) and H.E. Judge C.G. Weeramantry

For further information and registration forms, please see **http://www.cisdl.org/seminars.html**

It's Cold Out There, Slap on a Lawsuit!

Libel Chill: Fear of publishing or saying anything due to the threat of a libel lawsuit.

Firing Chill: Fear of firing an employee due to the trheat of an 'unlawful dismissal' lawsuit.

Hiring Chill: Similar to above but preventative measure.

Medi Chill: Fear of doctors totreat patients due to threat of medical malpractice lawsuits.

P.C. Chill: Fear of Handling (or not handling) a case for fear of being labelled politically incorrect.

Academic Chill: Fear of university professors to fail students fo rfear of being sued for lacking 'academic integrity' (does not apply to Law Schools).

Retainer Chill: Fear of representing a client due to lack of money for a retainer fee.

Hot Pototato Chill: Fear of representing a client who went through ten lawyers in the past six months.

Headline CHill: Fear of representing a client for fear of bad press.

Poli Chill: Fear of going into politics because it requires a drastic cut in pay.

THE SQUARE

Mustachioed in Montreal

by Nicholas Dodd (Law I)

Facial hair will change your life. This is the conclusion I've come to after a recent foray into the world of the handlebar moustache. Who knew that one strip of hair across your upper lip and down the sides of your face could influence every facet of your life? Take it from me, things change when you have a moustache, and, believe it or not, these changes are not always for the better. I thought I was prepared for life on the other side – after all, I did sport a goatee for the five years prior to law school – but shave out the middle and suddenly things are different. With this unfortunate truth in mind, I present to you some observations on being mustachioed in Montreal. Hopefully this commentary can serve as a guide to those contemplating an expedition into this mysterious and wonderful world, and prepare you brave souls for the trials and tribulations that most certainly await.

Your first few days with a moustache will be nothing but joy. Those who know you well will not hesitate to comment on how dirty you look, but at the same time you can sense their inherent moustache envy. The moustache will bring at least a fleeting smile to the lips of even the most jaded of your friends, and will be a ray of sunshine in a day darkened by the storm clouds of civil law property. Every time you look in the mirror you will be treated to fresh surprise and pleasure at the bushel of hair that carves a frown across your face. When the wind gets especially biting, and the rain starts to drive, you'll be comforted in knowing that your upper lip is protected by the warm, snug blanket of your moustache. Yes indeed, the first few days of mustachioed life is a pleasure that I would recommend to anyone.

Unfortunately, as these things usually go, your initial moustache-inspired bliss will begin to tear and rip under the weight of social exclusion. You soon realize that the moustache has become the defining part of your personality for those with whom you are not closely acquainted. Every new person you meet feels compelled to comment on the moustache, and many cannot move beyond the hair and convince themselves that the person underneath that moustache might actually be worth knowing. You may become an outcast, a pariah, one marked as a member of the underclass: no longer does the casual observer view you as the nondescript gentlemen quietly waiting in line for service – you've become the dude in line with the ugly moustache. Finally, and most depressingly, you begin to attract comparisons to the photo-feature on Burt Reynolds in a 1970s Cosmopolitan magazine.

All of this begs the question: when does the moustache become socially acceptable? I mean, my Dad has a moustache and he does not experience the roller coaster ride of emotions that has accompanied my journey down the path of the 'stache. Some have suggested that the age of forty might be the dividing line after which this facial bow-tie losses its outcast status. Perhaps it's merely individual – the fact just may be that some of us are built for moustaches and some are not. Really, if there was ever the need for an addition to the 'for Dummies' series of guide books, one on the norms of conduct surrounding facial hair is definitely in order.

A final issue that has been troubling me deeply of late: is our generation doomed to a moustache-less existence? Look around you: how many of our peers, how many members of our generation, have committed themselves to carrying on the venerable tradition of the soup strainer? The movement needs a martyr. Someone must carry this torch forward before the moustache is relegated to old photos and hockey footage from the 1970s. Society is ready for a resurgence of the moustache, and I feel that the McGill Faculty of Law should be on the forefront of this movement. But then again, I've never been one for identifying the emerging trends – perhaps plan A will be to get through law school and, failing that, plan B will be to start the moustache revolution. I look forward to your support! ■

* SKIT NITE 2006 *

Skit Nite is looking for highly motivated, enthusiastic and reliable people to be part of its executive committee.

We are currently looking for:

Creativity Director

Band Director

Dance Directors

Web Editor

If you want to be part of the largest event in the faculty this year and raise money for great causes, send us an email indicating your name, your phone number and the position you're interested in at **skitnite@gmail.com before Saturday, November 19th.**

We look forward to hearing from you!

ON TRUDEAU AND FALSE IDOLS

by Leonid Sirota (Law I)

In his article "Not Such a Great Guy After All" Andrew Mason suggests – humbly, he says – that we in Canada "move forward and cast off our false idols", starting presumably with Pierre Trudeau. The idea of casting off idols is of course sensible; it is also not exactly new. Trudeau himself was all for it: "Let us overthrow the totems, break the taboos. Or better, let us consider them cancelled." But false idols and totems do not arise *ex nihilo*. They are what past heroes become when they are no longer understood by those who believed in them. So to avoid Pierre Elliot Trudeau the fate of becoming a totem, I would like to make a few observations concerning Mr. Mason's article.

First of all, Trudeau didn't make "a name for himself driving around WW2-era Quebec wearing a German helmet". That was, just as throwing snowballs at a Stalin statue in Moscow some years later and other gestures, a way of demonstrating his anti-conformism. A silly way. But if this prompted at least a few people to actually think about why war against Nazi Germany was necessery, maybe it wasn't such a bad thing that he did it. What made Trudeau a name for himself was his defence of the workers during the Asbestos strike and his work for Cité Libre, fighting Duplessis' repression, during the 1950's. Yes, he "believed that he knew best", or at least better than most of his contemporaries. And, often enough, he *did* know better.

He did know better, for instance, during the October Crisis. One has to remember, first of all, that invoking the War Measures Act wasn't his first choice. He was asked to do so by Jean Drapeau, the mayor of Montreal, and by Robert Bourassa, the Premier of Quebec. And it is certainly not Trudeau's fault that the police and the army were clueless about the differences between "innocent naïve young Marxists" and the terrorists who killed Pierre Laporte and held Richard Cross hostage for two months. However, Trudeau's firmness in dealing with the terrorists was key in the demise of the FLQ. Otherwise, its attacks might have gone on for much longer, as those, for example, of the Italian Red Brigade did.

So Trudeau was not, as Mr. Mason suggests, a megalomaniac egotist. He was, indeed, putting on a show in public that often made him look rather full of himself. This was his way of protecting his private personality, of which he was very mindful. Unless Mr. Mason has spent decades in the public spotlight, I do not think he is quite qualified to blame Trudeau (or anyone) for reacting in this way. At the same time, his antics allowed him to connect with the voters in a way that other (supposedly) highly intellectual politicians (such as Stephen Harper) usually cannot.

As for his policies, Pierre Trudeau was certainly not perfect – especially with those concerning the West, as well as with his budgetary choices. What he should not be blamed for, however, is his stance on Quebec nationalism. Quebec's "alienation" was not his work, but that of Quebec nationalists, such as Bourassa and René Lévesque. Bourassa had accepted the Victoria Charter in 1970, but went back on his own word and the Constitution was not repatriated then. In 1981, Lévesque went back on his word to his "gang of eight" partners, and Quebec ended up not signing the repatriated Constitution. Trudeau's firm stand against nationalism was the reason for the "No" side's comfortable victory in the 1980 referendum. Since then, hardly anyone in Canadian and Quebec politics had the guts and/or the brains required to remain resolute in this bruising fight. It is irresolution that created "the constitutional quagmire" rather than Trudeau's conviction. As if it had set out to prove this, in 1995, the "No" side was shamefuly fearful and weak, muzzling Trudeau on its way to what amounted to a psychological defeat.

At his retirement, Pierre Elliott Trudeau left us a huge and highly complex legacy. It is too bad that his successors have chosen to add to it negative elements, such as Western alienation and the national debt. They should have concentrated on developing (instead of unmaking, whether through their action, like Mulroney, or through their inaction, like Chrétien) his vision for Canada. Canada as a united country rather than one made of "distinct" bits and pieces. Canada as a country where, to use Professor Howes' terminology from his lecture on the Canadian imaginary, one plus one does indeed make two rather than just one plus one. Canada as a country that believes in itself and gives hope not only to its own citizens but to those of the entire world. ■

LAW - A BLUDGEON FOR THE IGNORANT?

by Sean Hutchman (Law II)

Upon reading last week's contribution from Adrian Lomaga ("Law – A shield for the Stupid?") several hypotheses occurred to me. A) April Fool's Day had come late this year. B) Someone other than Adrian submitted the article to undermine his reputation as a clear-thinking and sentient human being. C) The article was an inspired caricature of the inchoate notion of consent in nineteenth-century contract law. Yet as I contemplated the implausibility of each of these options, a final and far more unsettling possibility came to mind. Perhaps Adrian not only wrote the article himself but also did so without any intention of irony. Even more incredibly, he expected us to agree with him.

Given the "sentimental, melodramatic and completely misguided" observations of Ms. McQueen, we ought to rejoice at Adrian's sophisticated exposition of the inherently fair process whereby some people pay far more money for credit. His deft use of figures and banking jargon (I now know the difference between an unsecured loan and a mortgage!) have swept away any lingering worries I once had of the profoundly inequitable distribution of resources in society. It really is true: the poor deserve to be poor and the rich to be rich!

If I could find fault with anything in Adrian's argumentation, it is that he did not go far enough in discrediting Ms. McQueen. For example, why not point out her lack of personal experience? After all, of the 11 years she spent working in the banking sector, but seven years were spent in the area of consumer finance! With barely a decade's experience seeing firsthand how banks target the economically vulnerable (i.e. those people for whom owning a washer and dryer is a form of outrageous social climbing, much like other members of the genus such as low and middle class students accumulating huge debts to study law) who is Laurie to tell us of the social pitfalls of credit?

Before I pay my respects to Mr. Lomaga for his neutral, unsentimental reasoning I must submit one reservation. You see, I recently received an e-mail from him asking for volunteers to undertake litigation against Héma-Québec for its discriminatory policy excluding gay men from blood donation. Yet if statistics can justify the poor paying disproportionately high interest rates because of the perceived risk of their behaviour, why should gay men not be discriminated against based on a tenuous statistical link to higher HIV-infection rates? Is it not a bit "melodramatic" and indeed "sentimental" to be seeking moral damages for being denied the "right" to donate blood? In the end, all I want to know is who managed to draw blood from Adrian's heart of stone.■

HOW MUCH PROTECTION IS TOO MUCH?

by Megan Vis-Dunbar (Law II)

Despite good intentions, labour protections imposed through legislation or by the courts don't always work in favour of the least advantaged in society. The recent riots in France may be a reflection of arguments made by some economists that greater state protection often creates worse situations for society in general. Countries such as the US offer little job protection yet have low unemployment rates. France, on the other hand, which has many provisions intended for the protection of workers, has a much higher unemployment rate. Both models seem to produce social costs for people from marginalized economic backgrounds. In deciding between these two approaches, each should be assessed based on a conscious balancing of the pros and cons, with a view towards a clear objective.

In an effort to ensure a minimum level of fairness in an unequal bargaining situation, employment legislation generally sets a minimum standard for reasonable notice upon the termination of a contract. Beyond this standard, parties are presumably free to negotiate notice periods or severance packages as they see fit. The tendency in most courts across Canada, however, and the standard set by the Supreme Court of Canada, is to override the freedom of contract in the employment context and impose periods of notice when those set in a contract are considered to be unreasonable. Such imposed notice periods are based on a number of criteria including the type of job held, the length of service, the age of the employee, and the possibility of finding similar employment.

According to the Supreme Court, allowing the courts such discretion is necessary for the protection of employees, a group characterized as vulnerable and in need of protection, particularly at the point when the employment contract ends. This paternalistic view toward the employment relationship is reflected somewhat in the employment legislation of some provinces. In Quebec, jobs are essentially characterized as a right in property under the law with a prescription period of 2 years. Following this period, an employee 'owns' their job and cannot be deprived of it without "good and sufficient cause".

The criteria used in calculating compensation, however, may not actually benefit those in most need of such protections. One of the criteria considered by the courts is the type of employment. This criterion is used in determining how long it may take an employee to find comparable work. However, assessing job type in this manner seems to create an unjust situation for lower level employees. Higher level positions are few and far between in comparison to ▸

lower level jobs. Hence a high-level employee would be granted greater compensation based on his/her low chances of finding comparable work. Lower level employees are generally considered more interchangeable and jobs at similar pay rates are often easier to come by. Yet, why should a professional only be expected to perform similar professional work?

Maybe it is reasonable that society value professionals over blue collar workers. After all, professionals and upper level employees often have more invested in their employment (i.e., education) and have incurred more risks to get to where they are. The risk to a top-level employee of losing his/her job can amount to severe damage to one's reputation. Furthermore, such employees may not be in strong bargaining position to ensure satisfactory protection for themselves, as they are often unlikely to benefit from collective bargaining. Yet, while risks run high, top employees are presumably in a better position to cushion and protect themselves due to higher salaries. Nor is it an accurate generalization that blue collar workers frequently benefit from union protection. Perhaps the law just works to benefit those who were lucky enough to start life out from a more advantageous position who have access to better quality education and the ability to incur greater risk.

Maybe if courts are really interested in protecting the vulnerable, they should consider criteria such as job stability and the business reasons behind letting an employee go. Job stability has many facets, not all of which are considered by courts. For instance, the possibilities of finding new employment opportunities are often greater in cities than in rural areas. In small industrial towns, employees are not always faced with alternate employment opportunities. Furthermore, if employees are let go because they are being replaced by a machine, or their work is being outsourced, courts may want to assess such criteria in calculating compensation. In effect, this would make the employer bear the true cost of dismissing employees in view of the long term gain from reduced costs. Such a view may even consider the propensity of an enterprise towards making employees disposable. For example, McDonalds ensures that minimal training is required for their employees. Pictured items on the cash register mean that employees are not even required to learn or remember prices. The result of minimal training and experience being that employees are easily replaced without much cost to the enterprise. However, all of these considerations still fail to analyze the larger social costs of such imposed sanctions on employers.

The recent riots in France suggest that a life lived in the projects on welfare is not altogether beneficial to society in general. Yet, maybe such a life isn't all that different in quality from a life working a minimum wage job or spent in prison. While more people in the US may officially be employed, franchised and part-time employees don't necessarily find more value or satisfaction in life than someone with no other choice but to live their life on welfare. Furthermore, while certain sectors of French society are statistically prone to live a life on welfare, certain sectors of US society are statistically prone to spend a life in prison on the basis of social and racial background. Beyond just the statistically calculated unemployment rate, it seems that quality of employment and of life in general are also important factors to be considered.

One reason why employment protections don't actually benefit those with the least power in society is the inability to avail oneself of such protections as a result of one's living situation. Consider the effect that city slums can have on job opportunities and social mobility. In low-income housing projects, there is often a lack of industry, stores and social diversity. The resulting effect is the creation of a permanent slum where job opportunities, protected or otherwise, are few and far between, and social mobility is frozen. Other neighbourhoods, which provide greater diversity in terms of living situations, and a mix of residential and commercial buildings, often tend to offer greater opportunity for social mobility. Residents are often able to improve their social situation without leaving their neighbourhood. The effect on the local areas is an increase in social diversity and an improvement in living conditions.

With the large variety of potential impacts that need to be considered in setting employment standards, judges may not the best social actors to be setting the criteria for such standards. If society in general finds value in setting aside the principles of contract law for the protection of employees, then there needs to be a deeper analysis of the resulting social cost. There is a social cost to be born regardless of whether job protection is granted or not, and a thorough assessment of which cost is preferable is necessary in approaching this problem. ■

The foregoing article reflects a discussion which took place in my Law and Poverty class.

Ever spend your entire weekend in the library while wishing you were anywhere else?

Ever feel like you're the only one who is struggling to make it all work?

Ever think that people who complain about how hard law school is should just deal with it and stop whining?

Next week the Quid gives you a chance to ask exactly those questions and hopefully get answers to a few more.

Submit to the Quid's
Mental Well-Being Edition

send your articles to *quid.law@mail.mcgill.ca* no later than Thursday at 5pm

YOUR LAPTOP:
A Trustworthy Friend Throughout Difficult Times

by Hilary E. Johnson (Law I)

Time spent in the library always provides some deep thoughts. When sitting at a table, I am always curious whether or not fellow students, who have been in the same chair for the past five hours, have actually been working away typing up notes or if they have failed to be productive as a result of extreme procrastination. I try not to think about it too much though, as it puts me into a deep depression about my own competence.

Recently I have overheard fellow students complaining about their laptops. The theme of their conversations did not pertain to the quality, the weight or the sheer ugliness of some of their laptops; rather, these people were complaining about the amount of distraction their computers had provided them while in class or in the library. Sadly enough, I have also, in the past month, made this complaint. Nevertheless, I have seen the error of my ways.

No doubt it is exceedingly difficult to resist visiting the weathernetwork.com to see the latest progression of today's rainstorm, or to check one's webmail in order to read an abnormal amount of communal e-mails propelled our way by Brigitte St. Laurent, our Director of the Career Placement Office or Ron Narine, our Local Area Network Technician. MSN is always tricky to say no to as well. How can one refuse to accept conversing online with your classmate who sits behind you?

I used to see these laptop-related activities as a total means of distraction that would prevent me from absorbing any concept a professor articulates during a class. While surfing the Internet I would have an abrupt urge to turn off my computer, dismantle it, and take notes old school style, simply to prevent my failing of the class.

Now, things have changed. Just recently, my computer's battery ran out in the middle of class and I was required to take notes with a piece of paper and a pen. I realized that due to my short attention span, my mind would wander. Seeing that there was no laptop to provide me with a first-rate game of solitaire, I would end up in a complete trance at times. I panicked and realized that this was a completely unwholesome way to be spending my time in class.

If one is incapable of practicing a certain amount of self-control, laptops can certainly be a hazardous item. In that case, I understand your complaints and faintly sympathize with you and the problems this self-indulgence must induce in other aspects of your life.

However, in my case, I celebrate my notebook as a way to sporadically supply quality entertainment so as to give my sensitive brain a rest. I urge you to refrain from passing judgment on my level of intellect. On the other hand, I do encourage you to rejoice at the idea of owning your laptop and to cherish it. Firstly, we should not be complaining about possessing such a costly item and, secondly, because it is a unique tool that allows one to unwind temporarily in the most bizarre of circumstances (i.e. the moot court), and to regain the strength needed to go on. Laptops offer that little bit of distraction necessary to keep one on the edge of one's seat, rather than running the risk of going into intense dazes where there seems to be no escape. ■

The Sudoku ChallengeR

By Szandra Bereczky (Law III)

Sometimes, one comes upon interesting words....
Rasorial: Scratching the ground in search of food.

{Instructions for Sudoku: There is only one condition to satisfy: insert the numbers in the boxes so that each row, column and 3x3 box contains the digits 1 through 9 exactly once.}

{last week's Sudoku answer}

4	8	6	2	7	5	1	3	9
3	5	2	8	1	9	7	6	4
9	7	1	6	3	4	2	5	8
1	4	8	7	5	2	3	9	4
5	3	9	4	6	1	8	7	2
6	2	7	9	8	3	4	1	5
8	1	4	3	9	6	5	2	7
7	9	5	1	2	8	6	4	3
2	6	3	5	4	7	9	8	1

		9				3		
	7		5		6	4	9	
8	4			2				5
	9		1		7		4	
				4				
	2						7	
4							3	2
	5	2	6		4		8	
		8				1		

INSTITUTIONAL DENIAL ABOUT THE DARK SIDE OF LAW SCHOOL: A SUMMARY

By Lindsey Miller (Law IV)

The following is a summary of Lawrence S. Kreiger's article, "Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence" (2002) 52 J. Legal Educ. 112. The full article can be accessed through HEINOnline at http://heinonline.org/HOL/Page?handle=hein.journals/jled52%size=2&rot=0&collection=journals&id=120.

There is much anecdotal basis for concern about the collective distress and unhappiness of law students and lawyers. This anecdotal evidence is confirmed by many empirical studies. At the University of Arizona, a study of students entering law school showed that they had essentially normal psychological markers; by the first year, those markers had shifted to major psychological distress, and the negative changes continued through law school and the students' early careers. The students had higher rates of clinical depression, with an incidence of 20-40%.[1] A study conducted by the author and a psychologist confirmed these findings.[2] Another study showed that law students have 8 to 15 times the rate of clinically elevated anxiety, hostility, depression, and other symptoms compared to the general population.[3]

Research on lawyers shows similar results. A 1990 John Hopkins study showed that lawyers ranked highest of 104 occupational groups for incidence of major depression.[4] Lawyers have the fifth-highest incidence of suicide and 5 to 15 times the normal incidence of clinical psychological distress, including high levels of substance abuse.[5]

This isn't a common topic of discussion at law schools, despite awareness of the problem. Some typical reactions from law schools include:

1) **It's just as bad in med school:** Research shows it *isn't* as bad in med school.[6] Even if it were, this does not mean we should not address the problem. This is just a form of denial in order to avoid confronting the problem.

2) **People come to law school that way:** The studies quoted above show that this is not the case.

3) **It's not my job/I'm not trained for this/The problem needs more study/It isn't that bad/It's always been that way/It's the nature of the business/That's the way the world is:** These statements do not justify ignoring serious problems. They merely deflect and minimize the problem, denying its existence in order to continue normal operations without grappling with unpleasant realities.

Law professors often lecture their students on professional ethics, civility, and other professional obligations. At the same time, they are ignoring their own obligations to try prevent or alleviate the distress of their students.

It is inherently unpleasant to reflect on these issues; law professors may feel they are undermining their own enterprise or creating unwanted anxiety if the problem is openly acknowledged. Further, professors are unclear on the causes of, and solutions to, the problem. Professors are not trained for these kind of discussions, particularly the non-rational, non-analytical nature of the matters. Professors may feel put upon as well; they are merely reproducing the kind of legal education they received and for which they evidently had great aptitude. As a result few Faculties address the issue at all.

The pervasiveness of the problem and of institutional denial of it indicates that it is the tenets and beliefs at the core of our educational culture which would be threatened by an open examination of the problem. These beliefs include:

1) **The top-ten percent tenet:** The belief that success in law school is demonstrated solely by high grades, appointments to law reviews, etc.

2) **The contingent-worth problem:** The belief that one's personal worth, the opinions of teachers and potential employers, and therefore one's happiness and security in life depend on one's place in the academic hierarchy. Although academic rankings are present in all educational settings, in law school these considerations dominate collective thinking and become identified with personal worth.

The American dream: The belief that financial affluence, influence, recognition and other external symbols of achievement are what is good in life, and that academic success in law school will lead to these things.

3) **Thinking "like a lawyer":** Defining people primarily according to their legal rights, and trying to understand, prevent and resolve problems by applying legal rules to those rights, usually in a zero-sum manner. This involves close inspection of words and writing to look for defects in an adversary's position or which may create future problems for a client. It is fundamentally negative, critical, pessimistic, and depersonalizing. This method of thinking is conveyed and understood in law schools as a new and superior way of thinking, not a strictly limited legal tool.

These beliefs and thought processes have an atomistic worldview and a zero-sum message about life. Nothing much matters beyond winning or losing, and there is always a loser for each winner. The message for law students is to work very, very hard; excel in the competition for grades and honors; to feel good about accomplishments; get the respect of peers and teachers; get a desirable job; and be successful. As a result, fatigue and anxiety replaces initial enthusiasm, particularly leading up to the point of the posting of first-term grades. ▸

The overall impact of this is isolating and threatening. The winners of the 'grades-race' feel a boost to their sense of personal worth, confidence and security, and feel valued in the institutional culture. They are then driven to maintain these feelings by reproducing their victories. The 'losers' have a diminished sense of personal worth, confidence and security. On top of this, the emphasis on 'thinking like a lawyer' discourages students from being themselves – they inhibit the expression or consideration of ideals, values and personal beliefs, and lose sight of the potential satisfaction arising from cooperation and win-win situations, resulting in a diminishing of enthusiasm and sense of relevance.

Ultimately, law school constructs teach students to put aside their personal life and health, and accept persistent discomfort, angst, isolation and depression as the price for becoming a lawyer. Similar constructs seem to drive law students when they become lawyers, in the contest for status, recognition, and higher salaries, regardless of the personal cost. Studies have shown that over 1/3 of lawyers reported 'clinical distress' in the area of interpersonal sensitivity, measures of self-esteem, and security based on the need to compare oneself to others, a rate 15 times that of the general population.[7] As well, one of the largest maladaptive shifts in first year law is an increasing concern for image and appearance.[8] At the same time, research shows that neither high grades nor high salaries mitigate general depression and distress in law students and lawyers, respectively.[9] In other words, the top grades and salaries so emphasized in law school do not improve one's likelihood to be happy.

A recent study of well-being and satisfaction showed that universal psychological needs include self-esteem, relatedness to others, authenticity, competence and security. Security is a foundational need – without it, the other universal needs become impossible to satisfy.[10] As well, empirical studies show that one's motivational style (the "why") and what one's goals and values are (the "what") can predict positive or negative mental well-being. Classic humanism sees people as striving to be their best and to improve their society; psychological dissatisfaction results from any impediments to personal and social integration. This has been confirmed by studies that show that goals such as money, power or image do not produce life satisfaction – these 'extrinsic goals' don't produce a good life and may undermine it.[11] Students who identified money, image or influence as being important for life satisfaction consistently scored the lowest well-being in the study, while students identifying intrinsic goals such as personal growth, intimacy and community integration experienced higher well-being.[12] The content of one's goals can affect the degree to which the universal psychological needs are met: intrinsic goals maximize one's opportunity to fulfill these needs, while extrinsic goals tend to replace or distract from the pursuit of satisfying goals and thus fulfillment of needs.

These studies raise clear implications for legal education and culture. If the law "success" paradigm is focused on grades, external recognition, money or position, tension and insecurity result, thus minimizing the satisfaction and well-being of law students and lawyers. As well, the drive for external goals supplants drives for growth, actualization, intimacy and community. Anxiety and depression is thus likely to result, since, regardless of how successful you are under this paradigm, internal satisfaction will never be achieved.

The longitudinal study of first year law students conducted by the author and Kennon Sheldon confirms these conclusions. Arriving first-years had healthier well-being, values and motives than other undergraduates; within 6 months, there were marked decreases in well-being and life-satisfaction, with marked increases in depression, negative affect, and physical symptoms. Overall motivation and valuing patterns shifted to extrinsic factors such as appearance and image, and away from altruism and community orientation.

These findings also refute the suggestion that the problems of law students is a result of self-selection, since the group began healthier, happier and with more optimal motivations. As well, students who performed the best according to the law school 'success' paradigm – i.e. had the highest grades – immediately shifted away from service-oriented to lucrative, high-status career choices, even those who initially had the healthier, more intrinsic goals than other law students.

There are several attitudes and educational practices that can be reviewed to identify those which most negatively affect students. First, the predilection to work students exceptionally hard: consistently long hours of high-demand work drain personal resources and encourage students to ignore biological needs. Instead of preparing students for their professional obligations, it teaches students to accept constant stress as part of a law career. Once so taught, students are likely to make choices that continue that stress in their careers. Second, the contingent-worth and top-ten percent paradigms create tension by generating insecurity about future employment, competition between peers, a sense that one's worth is only as good as one's transcript and resume, and that, regardless of the rhetoric of professionalism, that personal character, values, ideals and intentions are irrelevant in the practice of law. Schools with a mandatory or strongly suggested grading curve aggravate this effect by creating the impression that the institution is pitting students against each other. Third, traditional teaching methods and overreliance on objective analysis promotes isolation of students from professors and each other, and encourages the abandonment of personal values and instincts in order to "think like a lawyer". Law students get the message that what they believe, at their core, is irrelevant and inappropriate in legal discourse. It is possible to teach in a way that complements, rather than supplants, a student's senses of self, values and beliefs.

As we think through the implications of declining happiness, psychological health and social consciousness in students and the profession, we must allocate resources and time to preventing or alleviating these

problems. We need to identify individual and institutional practices that tend to undermine basic needs and values in order to amend them, and to ask what can be done to promote the basic universal psychological needs in students, how intrinsic motivation can be supported when teaching legal fundamentals, and how optimal human values in students can be promoted.

One direct approach to breaking institutional inertia is to publish empirical studies on the subject, which often dumbfounds faculty and students. Objective quantification of what you already know can have a powerful effect. After clarifying the need for attention to the problem, an overview of possible solutions is necessary. People need to realize that the American dream and the extrinsic goals of money, power and status are failed approaches to happiness; being true to oneself, helping others, maintaining close relationships and creating community are effective ways of creating a positive life experience.

Teachers must first reflect on their own experiences for fundamental needs, internal motivations, and intrinsic goal pursuits. Such experiences should be providing most of their life satisfaction, and this personal perspective will give confidence to professors in raising the topic with students. Students aware of the research findings will be able to make informed choices about priorities, careers, and the distribution of time in law school, and later, in their careers. As the creators of the legal profession, professors have an obligation to broaden the institutional service mission to include at least scientific research relating to the health, happiness and life satisfaction of students. They need to remind students that thinking 'like a lawyer' is a fundamentally negative worldview, though a useful tool. If applied generally in life, it will have undermining effects.

Some preliminary observations and suggestions include: curricular integration of this material, not merely inclusion in extra-curricular programs, orientation meetings and the like; relevant, constructive teaching methods such as encouraging optimal values and promoting meeting fundamental human needs, creating collaborative exercises, etc.; and beginning a focused and honest dialog among law professors to promote acceptance of the need to address these issues and to think through methodology.

It is not necessary to have answers to all the questions before raising the issue in a Faculty. The initial response may or may not be positive, but open discussion doesn't require great cost. Professors acting within their own sphere of control, openly raising the issue with colleagues and developing their own teaching style with a view to students' well-being will create personal satisfaction and make a real contribution to students, while also changing the institutional culture to become more honest and informed about the health of the profession. ■

1 Matthew Dammeyer & Narina Nunez, "Anxiety and Depression Among Law Students: Current Knowledge and Future Directions" 23 Law & Hum. Behav. 55 at 61, 65.

2 Lawrence S. Krieger & Kennon M. Sheldon, "Does Legal Education Have Negative Effects on Law Students? Evaluating Changes in Motivation, Values and Well-Being" (submitted for publication.)

3 G. Andrew Benjamin et al., "The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers" (1986) 225 Am. B. Found. Res. J.

4 William Eaton et al., "Occupations and the Prevalence of Major Depressive Disorder" (1990) 32 J. Occupational Med. 1079 at 1085 tbl 3.

5 Connie J. A. Beck et al., "Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practising Lawyers" 10 J.L. & Health 1, 49-50; Rick B. Allan, "Alcoholism, Drug Abuse and Lawyers: Are We Ready to Address the Denial?" (1997) 31 Creighton L. Rev. 265; G. Andrew H. Benjamin et al, "The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers" (1990) 13 Int'l J.L. & Psychiatry 233; Eric Drogin, "Alcoholism in the Legal Profession: Psychological and Legal Perspectives and Interventions" (1991) 15 Law & Psychol. Rev. 117.

6 Danmeyer & Nunez, *supra* note 1; see also Robert Kellner et al., "Distress in Medical and Law Students" (1986) 27 Comp. Psychiatry 220.

7 See *supra*, note 6.

8 Kreiger & Sheldon, *supra* note 2.

9 *Supra*, note 3.

10 Kennon M. Sheldon et al, "What is Satisfying About Satisfying Events? Testing 10 Candidate Psychological Needs" (2001) 80 J. Pers. & Soc. Psychol. 325.

11 Tim Kasser & Richard Ryan, "A Dark Side of the American Dream: Correlates of Financial Success as a Central Life Aspiration" (1993) 65 J. Pers. & Soc. Psychol. 410.

12 Sheldon, *supra* note 10.

WHY WEAR A POPPY?

by Andrew Mason (Law II)

Remembrance Day has come and gone for another year. Recently, several of my peers jokingly asked me "Why are you wearing a poppy? Supporting the opium trade?" They spoke in jest, of course. But I will answer them here all the same.

The tradition of wearing poppies began because these flowers tended to grow even in the wasteland of WWI-era Flanders, where a considerable number of "Imperial" (Britain, Newfoundland, Canada, Australia and New Zealand) troops served. There is also the touching, and now canonical, poem by Canadian John McCrae, which speaks of poppies growing amongst the gravestones "row on row". For these reasons the poppy has been the symbol of Commonwealth veterans since the 1920s (the tradition also has roots in both the USA and in France).

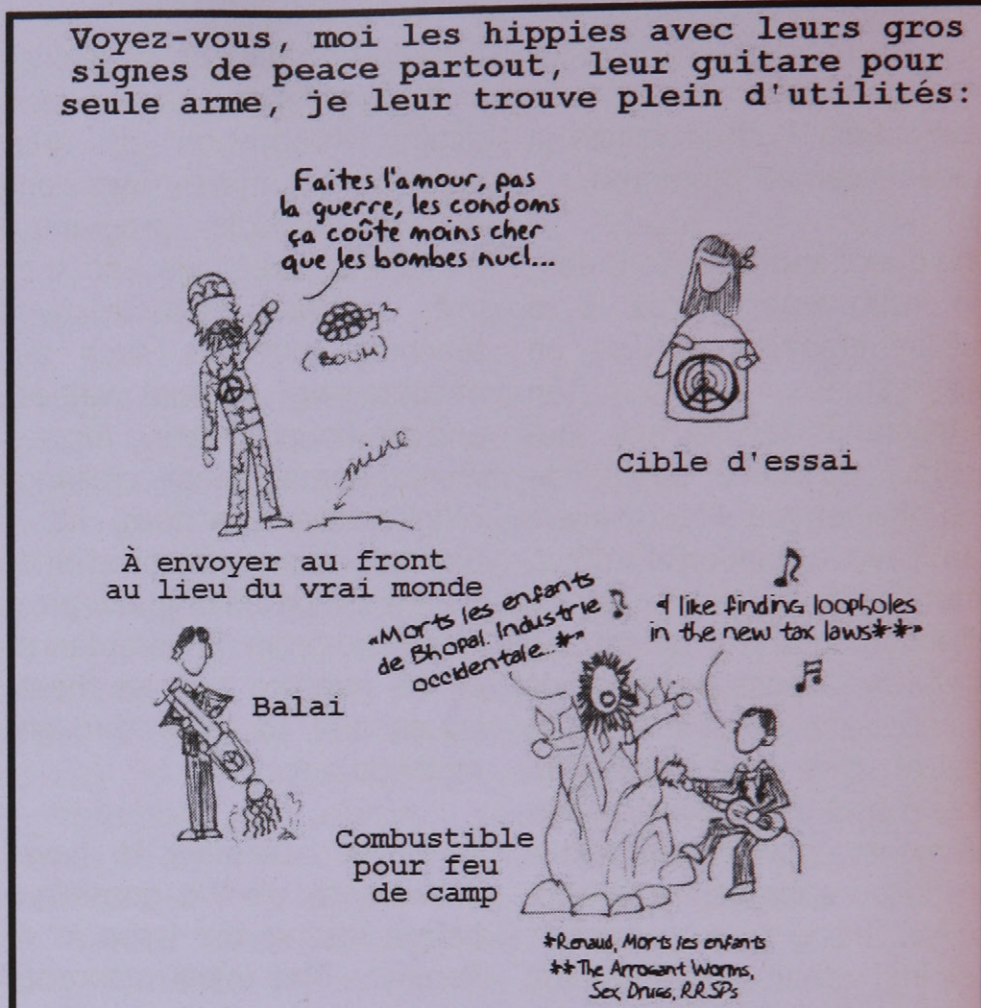
I cannot speak for others – I wear the poppy for numerous reasons. I wear it to commemorate the sacrifice of our soldiers (euphemistically dubbed the "fallen", though it is important to remember that they were young and full of hopes and dreams, just like us) – soldiers who selflessly gave of themselves for words and ideas, who obeyed commands and entreaties and were rewarded with narrow plots of land in foreign soil.

I also wear the poppy to commemorate the service of members of my own family: my great-grandfather who served in WWI and my grandfather who served in WW2. Neither "fell" but my grandfather passed away on November 11th of last year. For this reason I also wear the poppy to commemorate him personally. He, like most of his generation, was a great man: not because he was wealthy or influential (he was not), but because he responded to his country's call, dutifully and without question, though he was one of the kindest and least warlike men one could hope to meet. I also wear the poppy to commemorate my grandmother (and all those on the home-front), who survived the Blitz and bravely 'kept the home fires burning' in times of great uncertainty.

Some may see the poppy as a symbol of militarism, of imperialism and of Horace's "old lie": *dulce et decorum est pro patria mori* (how sweet and fitting to die for one's country). I see the poppy as an inspirational symbol of the courage, sacrifice, honour and suffering of our veterans. It is also an aspirational symbol of the hope that such sacrifice will never again be required of so many. The poppy is a badge that I wear with pride, but it does trigger some powerful self-reflection: could I live up to their example if there was the need to do so? Could I be parted from my loved ones, to kill or be killed for reasons of geo-politics beyond my comprehension? I have the powerful feeling that our "fallen", commemorated in the wearing of a poppy, would wish that none of us ever be put to such a terrible test. ■

LES AVENTURES DU CAPITAINE CORPORATE AMERICA

par Laurence Bich-Carriere (Law II)



«Hippie, hippie paiera»